

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GENERAL STEEL DOMESTIC )  
SALES, LLC d/b/a GENERAL )  
STEEL CORPORATION, a Colorado )  
limited liability corporation )  
and DISCOUNT STEEL BUILDINGS, )  
LLC, a Delaware limited )  
liability corporation, )

Plaintiffs, )

v. )

Misc. Action No. 07-122

JOSEPH "JOE" G. WEILE, )  
individually, JAN "ERIC" )  
BEAVERS, individually, )  
ETHAN "JAKE" CHUMLEY, )  
individually, KENT )  
PERENVVI, individually, )  
JOSEPH MASSAROTII, )  
individually, BUD )  
BACCHELOR, individually, )  
and KOREY PATTERSON, )  
individually, )

Defendants. )

ORDER OF COURT

Plaintiffs have filed this miscellaneous action pursuant  
to the Federal Arbitration Act, 9 U.S.C. § 1 et. seq ("FAA")<sup>1</sup>,

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Although plaintiffs assert that they "file this motion pursuant to Federal Rule of Civil Procedure 45 and the Federal Arbitration Act, 9 U.S.C. § 7", Plaintiffs' Motion, Doc. No. 1 at ¶ 1, it is well established that a federal court must have an independent basis for federal jurisdiction to consider claims under the FAA. Moses H. Cone Mem'l Hosp. V. Mercury Constr. Corp., 460 U.S. 1, 26 (1983). It is unclear from plaintiffs submissions whether this court has jurisdiction. As set forth above, however,

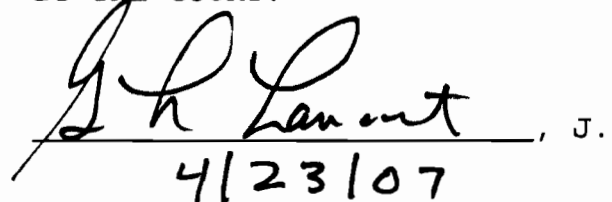
seeking an order compelling non-party witnesses to comply with subpoenas issued in connection with an arbitration proceeding currently pending before an arbitrator in Colorado.

Section 7 of the FAA, 9 U.S.C. § 7, provides the procedure by which non-party witnesses can be compelled to attend hearings in a arbitration matter. Specifically, if "any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition to the *United States district court for the district in which such arbitrators...are sitting may compel the attendance of such person...*" 9 U.S.C. § 7. (Emphasis added).

There is no dispute that this matter, captioned General Steel, et. al, v. Joseph G Weile , et. al, No. 77 160 00429 06 DE CR, is pending before Arbitrator Janet A. Savage in Denver, Colorado. Accordingly, plaintiff's filed this motion in the wrong forum.

THEREFORE IT IS HEREBY ORDERED THAT this action is DISMISSED for failure to comply with the FAA at 9 U.S.C. § 7.

BY THE COURT:

 J.  
4/23/07

cc: All Counsel of Record

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even if plaintiffs could establish a basis to invoke this court's jurisdiction, they have failed to comply with the procedures set forth in the FAA.